

Wetlands Bureau Decision Report

Decisions Taken
01/05/2005 to 01/09/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MINOR IMPACT PROJECT

2004-01479 MORRISSEY, DANIEL
SUTTON Blaisdell Lake

Requested Action:

Install a 6 ft x 20 ft seasonal wharf connected to a 6 ft x 10 ft seasonal pier, in an "L" shape, on an average of 790 ft of frontage on Blaisdell Lake, Sutton.

Conservation Commission/Staff Comments:

Con. Com. called and asked the need of a "L" shaped dock. Also requested that applicant show all existing structures on the frontage (i.e., existing boathouse).

APPROVE PERMIT:

Install a 6 ft x 20 ft seasonal wharf connected to a 6 ft x 10 ft seasonal pier, in an "L" shape, on an average of 790 ft of frontage on Blaisdell Lake, Sutton.

With Conditions:

1. All work shall be in accordance with plans by Daniel J. Morrissey, as received by the Department on November 8, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the seasonal pier shall extend more than 16 feet from the shoreline at full lake elevation.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. This approval does not authorize any work to the existing single slip, partially dug-in boathouse and 8 ft x 24 ft crib dock.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), constuction of a docking facility providing a total of 4slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed L-shaped pier will only provide one additaion slip on the frontage.
6. The proposed L-shaped pier will result in less intrusion into the public trust and will provide one less slip than the standard 6 ft x 30 ft pier.

2004-01691 NODAGOR CORPORATION, DAVID RENEY
GRANTHAM Unnamed Wetland

Requested Action:

Dredge and fill 5310 square feet of disturbed forested wetland including installation of an 18-inch x 50 foot culvert and retain 1550 square feet of impact for access in the second phase of a residential subdivision.

Conservation Commission/Staff Comments:

The Grantham Conservation Commission did not comment on the proposed application.

Inspection Date: 09/05/2004 by Jocelyn S Degler

APPROVE PERMIT:

Dredge and fill 5310 square feet of disturbed forested wetland including installation of an 18-inch x 50 foot culvert and retain 1550 square feet of impact for access in the second phase of a residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by Thomas C Dombroski dated February 6, 2004, as received by the Department on July 22, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This approval is based upon the conceptual plan submitted to the Department, by Thomas C Dombroski dated June 18, 2004, and revised through December 3, 2004 as received by the Department on January 4, 2004.
4. The impacts allowed within this permit shall be considered additive to impacts in future phases for the purposes of compensatory mitigation.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on lots 9-11, and lots 13 and 14.
6. The deed which accompanies the sales transaction for each of the lots listed above in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during low flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Silt fencing must be removed once the area is stabilized.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of

alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 5, 2004. Field inspection determined that a jurisdictional area had been previously filled for access without a permit, and the proposed impact area had been disturbed previously.
6. The applicant has provided a conceptual plan for the future phase of this subdivision on lot 12.
7. The Grantham Conservation commission did not have any concerns with the proposed subdivision.
8. The applicant has address the requirements of Wt 304.09.

2004-03017 MEYERS, BRUCE
GREENLAND Great Bay

Requested Action:

Retain 100 sq. ft. of previously developed upland tidal buffer zone to construct a stone fireplace and brick patio.

Inspection Date: 12/14/2004 by David A Price

APPROVE AFTER THE FACT:

Retain 100 sq. ft. of previously developed upland tidal buffer zone to construct a stone fireplace and brick patio.

With Conditions:

1. Any further alteration of DES Wetlands Bureau jurisdictional areas on this property will require a new application and further permitting by the DES Wetlands Bureau.
2. The work shall be in accordance with plans by Bruce and Lori Myers, as received by the Department on December 17, 2004.

With Findings:

1. This is a minimum impact project per Wt 303.04(b).
2. This proposal meets the criteria of Chapter Wt 300 for approvable minimum impact projects.
3. This proposal meets the minimum shoreland protection standards within the NH Comprehensive Shoreland Protection Act as required under RSA 483-B and Env-Ws 1405.

MINIMUM IMPACT PROJECT

2004-02869 MEYER, MICHAEL & ELIZABETH
NEW DURHAM Unnamed Wetland

Requested Action:

Dredge and fill 390 square feet of palustrine forested wetland including culvert installation for driveway access in the subdivision of 56.57 acres into 8 single family residential lots.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 390 square feet of palustrine forested wetland including culvert installation for driveway access in the subdivision of 56.57 acres into 8 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Norway Plans and Associates dated November 2004, as received by the Department on December 1, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

EXPEDITED MINIMUM

2004-00262

BOY, ANNE/PIERRE

NOTTINGHAM Unnamed Wetland Little River

Requested Action:

Approve name change on Tax Map 19, Lot #5 in Lee to: Thomas P. Gialousis and Katherine M Zimar, 196 South Main St., Apt. 2, Newmarket, NH 03857 per request received 1/4/05.

APPROVE NAME CHANGE:

Dredge and fill approximately 1,740 square feet of forested wetlands to construct two driveways to provide access to two lots of an eleven lot residential subdivision on approximately 85 acres located in the towns of Nottingham and Lee.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates PLLC dated February 4, 2004 as received by the Department on February 20, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for all the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Work shall be conducted during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-03116 SHEEPSHEAD BAY LLC, C/O GEORDY HUTCHINSON
WOLFEBORO Unnamed Wetland

Requested Action:

Impact 56 square feet to remove the existing bridge and construct a clear span pedestrian bridge over the existing wetland.

Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission did not comment on this application.

APPROVE PERMIT:

Impact 56 square feet to remove the existing bridge and construct a clear span pedestrian bridge over the existing wetland.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group, as received by the Department on October 12, 2004.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All material removed during work activities shall be placed out of DES's jurisdiction.

8. Mulch within the restoration area shall be straw.
9. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert, bridge, pole, or rock ford and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

SHORELAND VARIANCE / WAIV

2004-02942 BARTOLOTTA, FRANK AND JEMMA
BELMONT Winnipiesaukee

Requested Action:

Revegetate frontage to provide 20 ft buffer zone, install dripstone under eaves of the proposed primary structure, and expand the outside dimensions by increasing the ridgeline height from 19 ft 6 in to 33 ft 6 in to accommodate second floor expansion on the existing 1086 sq ft non-conforming structure footprint, 25 ft from the reference line on Lake Winnisquam.

APPROVE CSPA WAIVER:

Revegetate frontage to provide 20 ft buffer zone, install dripstone under eaves of the proposed primary structure, and expand the outside dimensions by increasing the ridgeline height from 19 ft 6 in to 33 ft 6 in to accommodate second floor expansion on the existing 1086 sq ft non-conforming structure footprint, 25 ft from the reference line on Lake Winnisquam.

With Conditions:

1. All work shall be conducted in accordance with plans as received from Breton Design by the department on November 19, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Under no circumstance shall the footprint of proposed structure exceed the existing footprint and the primary building line setback to the reference line shall not decrease.
4. Vegetative buffer shall be in place after outside work to the addition is completed and before any interior cosmetics to the addition are initiated or, if indoor cosmetics are ready to commence and the growing season has not yet started, the vegetative buffer shall be planted within 3 months thereafter.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management

Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

6. Appropriate erosion/siltation controls must be installed and maintained around disturbed areas and shall only be removed when complete vegetative stability is achieved.
7. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnisquam and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to install drip stone under eaves of the proposed house, and plant and maintain proposed 20 ft vegetative buffer to divert and filter storm water runoff and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I

PERMIT BY NOTIFICATION

2004-03008 KUUSISTO, CAROL, ALBERT & MICHELL
GILFORD Lake Winnepesaukee

Requested Action:

Impact a total of 254 square feet to construct a 2'6"x5'6" anchoring pad (14 square feet of bank impact) attached to a 6'x40' seasonal dock (240 square feet of impact) on Lake Winnepesaukee with approximately 170 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Gilford Conservation Commission did not sign the PBN nor did they comment.

PBN IS COMPLETE:

Impact a total of 254 square feet to construct a 2'6"x5'6" anchoring pad (14 square feet of bank impact) attached to a 6'x40' seasonal dock (240 square feet of impact) on Lake Winnepesaukee with approximately 170 feet of shoreline frontage.